

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TAFT STETTINIUS HOLLISTER	:	Case No. 1:16-cv-00648-SJD
Plaintiff,	:	Hon. Judge Susan J. Dlott
v.	:	
HWAREH.COM d/b/a HEALTH WAREHOUSE.COM	:	<u>DEFENDANT’S MOTION FOR EXTENSION OF TIME</u>
Defendant.	:	
	:	

Pursuant to Fed. R. Civ. P. Rule 6(b)(1)(A), Defendant, Hwareh.com d/b/a Healthwarehouse.com, respectfully moves this Court for an additional extension of time to file a memorandum in opposition or response to Plaintiff’s Motion for Remand. Defendant have requested, but still not received, a copy of the corporate documents and agreements, establishing the current “general partner” and “limited partners” of the firm, as those terms are defined by R.C. 1782.01 and Ohio law. These documents are likely dispositive of the issues presented by Plaintiff’s motion. More specifically, Defendant acknowledges and agrees that, under applicable federal law, a limited partnership is a “citizen” of each state of its general partner(s) and limited partner(s).¹ At the same time, being a “partner” in a law firm does not automatically make one a “general partner” or “limited partner,” as defined by Ohio law.²

¹ *Carden v. Aroma Assoc.*, 494 U.S. 185, 187 (1990); *Hooper v. Wolfe*, 396 F.3d 744, 748 (6th Cir. 2005)

² *Passavant Memorial Area Hosp. Assoc. v. Lancaster Pollard & Co.*, U.S. District Court, Case No. 11-CV-3116 (C.D. Ill. April 12, 2012).

Plaintiff has exclusive possession and control of its own corporate documents and agreements, which establish the general partner and "limited partners" of the entity. Unless and until Plaintiff produces these documents, Defendant is unable to respond.

Therefore, Defendant requests an extension of time, allowing Defendant to respond to the Motion for Remand within seven days of the production of these documents.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Courts using the Court's CM/ECF system which will send notification of such filing to the counsel of record on this 22nd day of August, 2016.



August T. Janszen (0062394)